

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

CENTRAL STATES SE. AND SW.
AREAS PENSION FUND,

Plaintiff,

vs.

CUYAHOGA DAIRY, INC.,

Defendant.

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CASE NO. 1:15-MC-41
(CASE NO. 13-CV-430)

OPINION & ORDER
[Resolving Docs. [25](#), [26](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

This matter concerns whether Plaintiff Central States may compel discovery from non-party Moreno Transporte. After Plaintiff won judgment against Defendant Cuyahoga Dairy, Defendant declared bankruptcy.¹ Plaintiff now seeks discovery to determine if Moreno Transporte is a successor company to Defendant Cuyahoga Dairy.²

Moreno Transporte moved to quash Plaintiff's discovery request, saying the request is a fishing expedition for confidential information.³ Plaintiff responded by moving to compel discovery.⁴

Under Federal Civil Procedure Rule 69, a "judgment creditor . . . may obtain discovery from any person . . . as provided in these rules" "in aid of a judgment."⁵ The Court finds

¹ Doc. [26](#) at 2-3.

² Plaintiff says Moreno Transporte would be jointly and severally liable if it is a successor to Cuyahoga Dairy.

³ Doc. [25](#).

⁴ Doc. [26](#).

⁵ Fed. R. Civ. P. 69(a)(2).

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Plaintiff's discovery request sufficiently narrowly tailored to determine if Moreno Transporte is a successor company.⁶ The request is not a fishing expedition.⁷

Moreno Transporte says Plaintiff seeks confidential information. Plaintiff Central States offered to enter into a confidentiality agreement.⁸ This offer sufficiently addresses Moreno Transporte's confidentiality concerns.

Accordingly, this court **GRANTS** Plaintiff's motion to compel discovery and **DENIES** Moreno Transporte's motion to quash.

IT IS SO ORDERED.

Dated: May 17, 2017

s/ James S. Gwin

JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁶ Under Fed. R. Civ. P. Rule 26(b)(1), "parties may obtain discovery regarding any non-privileged matter that is relevant to any party's claim or defense."

⁷ See, e.g., *Cent. States, Se. & Sw. Areas Pension Fund v. King Dodge, Inc.*, 2011 WL 2784118, at *3 (E.D. Mo. July 15, 2011).

⁸ Doc. [25-8](#).